

April 17, 2019

Marlene H. Dortch, Secretary
Federal Communications Commission Office of the Secretary
445 12th Street, SW Washington, DC 20554

Re: Request for Waiver of Form 471 Filing Deadline for Funding Year 2019 CC Docket No. 02-6
FY 2019 Form 471 Application #: 191042021

Contact:

Consultant: Deborah Sovereign, Kellogg & Sovereign Consulting, LLC
Email: dsovereign@kelloggllc.com

Name of School or Library: Tulsa Technology Center
School or Library Billed Entity Number (BEN): 140124
Authorized Person: Jason Durham, Director of IT Services
Address: 6111 E. Skelly Drive, Tulsa, OK 74147
Phone: 918-828-5000
E-mail: jason.durham@tulsatech.edu

Dear Ms. Dortch,

We are respectfully requesting a waiver of the Funding Year 2019 Form 471 certification deadline for the above referenced Form 471 application.

Tulsa Technology Center waited the mandatory 28-day competitive bidding period, and their 471 application was filed within 15 days after the close of the filing window on March 27, 2019.

We are seeking relief under the previous precedent¹ set by the Commission to grant Form 471 deadline waiver requests and respectfully request consideration as good cause to waive the Form 471 deadline for this application

¹ See *Requests for Review of the Decisions of the Universal Service Administrator by Academy of Math and Science, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-487009, et al., CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259-60, paras. 8 & 9 (2010) (*Academy of Math and Science Order*) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline; or filed their Forms 471 on time, but failed to timely file their certifications); *Requests for Review of the Decisions of the Universal Service Administrator by Anderson Elementary School, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-789495, et al., CC Docket No. 02-6, Order, 27 FCC Rcd 5319, 5319-20, para. 2 (Wireline Comp. Bur. 2012) (treating late-filed item 21 attachments like late-filed certifications); *Requests for Waiver and Review of the Decisions of the Universal Service Administrator by Academy for Academic Excellence, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-539076, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 4747, 4749, para. 4 (Wireline Comp. Bur. 2011) (finding special circumstances exist to justify granting waiver requests where petitioners were subject to a school reorganization or technical problems interfacing with USAC's computer system).

which was certified within 15 days of the deadline.

Respectfully submitted,

A handwritten signature in black ink, reading "Deborah J. Sovereign". The signature is written in a cursive style with a large, stylized "D" and "S".

Deborah J. Sovereign, Consultant

Attachments:

Out of Window Notice – FCC Form 471 # 191042021
Letter of Agency



E-rate Productivity Center This is an acknowledgement that USAC has received TULSA TECHNOLOGY CENTER's FCC Form 471 - 191042021 for Funding Year 2019 on 4/11/2019, which was submitted out-of-window. Therefore, your application will not be considered for funding.

TO REQUEST A WAIVER OF THE FILING WINDOW DEADLINE:

The window filing requirement is contained in the Federal Communication Commission (FCC) rules for the E-rate program. USAC cannot consider requests for waivers of FCC rules. If you missed the FCC Form 471 filing window deadline and wish to request a waiver, you may file a waiver request with the FCC. When you file a waiver request, you should list "CC Docket No. 02-6" on the first page of your waiver request. We strongly recommend that you review the information provided on the USAC website about filing waiver requests.

Please keep a copy of this notification for your records. To print this notification, click on the Date below, and use your browser's print function.

You can view your entire Form 471 by clicking the link below.

TULS 2019 - C1b INT - ... #140124 - TULSA TECH...

Thursday, 6:11 PM ☆ 🔒 [Comment](#) [Hide Info ▲](#)

Application Number 191042021

Entity Number 140124

Certification Date Apr 11, 2019



P.O. Box 477200 Tulsa, OK 74147 918.828.5000

E-RATE LETTER OF AGENCY 2018-19

APPLICANT:

("Applicant") hereby authorizes Kellogg & Sovereign® Consulting, LLC or its designated agents or employees ("KSLLC") to act on our behalf during the term of this authorization.

Although not exclusive, KSLLC is specifically authorized to conduct the following actions on behalf of the Applicant:

- ♦ Prepare and submit Federal Communications Commission ("FCC") Forms 470, 471, 486, 500, 472 and other forms requested by the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC")
- ♦ Prepare and submit documentation to USAC or the FCC in compliance with E-Rate program rules and regulations.
- ♦ Act as our agent in working with representatives of the FCC or USAC to provide information as requested during application review, selective reviews, site visits, audits and any other activity associated with review of our applications.
- ♦ Prepare Requests for Proposal ("RFPs") to be posted to the KSLLC website and distributed to appropriate service providers.
- ♦ Provide information to service providers as needed to clarify information in RFPs and Forms 470.
- ♦ Solicit and receive proposals from service providers for requested services.
- ♦ Prepare comparisons of proposals from service providers.
- ♦ Complete contracts for eligible E-Rate services as specifically directed by the Applicant's authorized representative.

I also understand that in submitting these forms on our behalf, representatives of Kellogg & Sovereign® Consulting, LLC are making certifications for our school district. By signing this letter of agency under oath, I make the following certifications as required by the FCC¹:

I certify that the schools I represent are eligible for support because they are schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

I certify that the entity(ies) I represent or the entities listed on our applications will secure access, separately or through this program, to all of the resources, including computers, training, software, maintenance, internal connections, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that I have considered what financial resources should be available to cover these costs. I certify that the entities I represent or the entities to be listed on our application will secure access to all of the resources necessary to pay the discounted charges for eligible services from funds to which access will be secured in the funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

I authorize Kellogg & Sovereign® Consulting, LLC to post my Form 470 and, if applicable, Request for Proposal (RFP). Unless I am purchasing eligible services exempt from the competitive bidding requirement, I certify that a FCC Form 470 will be posted and that any related RFP will be made available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the most cost-effective service offering will be selected, with price being the primary factor considered, and the most cost-effective means of meeting educational needs and technology goals.

I certify that I will review all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities I represent will comply with them.

I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500 and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on our applications have or will not have received anything of value or a promise of anything of value, other than services and equipment sought by means of forms filed with the Schools & Libraries Division, from the service provider, or any representative or agent thereof or any consultant in connection with our request for services.

¹ Certifications per FCC Forms 470, 471 and 486. <http://www.usac.org/sl/tools/forms.aspx> (OMB Control No. 3060-0806 FCC Forms 470 and 471, OMB Control No. 3060-0853 FCC Form 486).

¹Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184, E-Rate Modernization Order, FCC 14-99A1 Released on 7/23/2014 at p.125-128. http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0723/FCC-14-99A1.pdf (last visited July 31, 2014).

I certify that I and the entity(ies) I represent will comply with all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There will be signed contracts or other legally binding agreements covering all of the services listed on our FCC Forms 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

I certify that I will retain required documents for a period of at least **10 years** (or whatever retention period is required by the rules in effect at the time of this certification) after the later of the last day of the applicable funding year or the service delivery deadline for the associated funding request. I acknowledge that I may be audited pursuant to participation in the schools and libraries program. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to USAC.

I certify that I am authorized to order supported services for the eligible entity(ies) I represent. I certify that I am authorized to sign this Letter of Agency and all information to be provided to Kellogg & Sovereign® Consulting, LLC for the E-Rate submission will be true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to the associated applications have complied with the terms, conditions, and purposes of this program, that no kickbacks were or will be paid to anyone and that false statements on FCC forms can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

I acknowledge that all pricing and technology infrastructure information submitted as part of an FCC Form 471 shall be treated as public and non-confidential by the Administrator unless the applicant specifies a statute, rule, or other restriction, such as a court order or an existing contract limitation barring public release of the information. I certify that contracts and other agreements will not prohibit disclosure of pricing or technology infrastructure information.

I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities that will be listed on our application, or any person associated in any way with my entity and/or the entities listed on our application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

I certify that if any of the funding requests listed on our FCC forms are for discounts for products or services that contain both eligible and ineligible components that Kellogg & Sovereign® Consulting, LLC on our behalf will allocate the cost of the contract to eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504.

I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on the applicable FCC forms will be net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

I certify that prior to the commencement of service, the school(s) I represent will be in compliance with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).

I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information and belief, all information provided to KSLLC for E-Rate submission is true. If any of the statements made above are incorrect, fraudulent or misleading, the undersigned and their institution agrees to indemnify, as allowed by state law, KSLLC, its members, employees and agents of any and all liability, legal fees or actions that may arise from the incorrect, fraudulent or misleading statement(s).

Applicant Name: Tulsa TechMailing Address, City, ST, Zip: PO Box 477200 Tulsa, OK 74147-7200Signature of Authorized Person:  Date: 6/18/2018Printed Name of Authorized Person: Jason Durham Title: Director, Information Technology

This authorization shall remain in effect until KSLLC is notified of its cancellation in writing via certified mail.

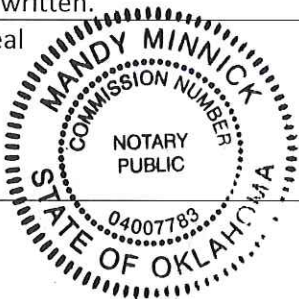
SWORN AFFIDAVIT

STATE OF Oklahoma)
COUNTY OF Tulsa) ss.On this 18th day of June, 2018, before me, the subscriber, a Notary Public in and for said State and

County, personally appeared Jason Durham, known or identified to me to be the person whose name is subscribed to this Letter of Agency, and acknowledged that he/she is authorized on behalf of said entity/entities to execute all documents pertaining hereto and acknowledged to me that he/she executed the same as his/her voluntary act and deed on behalf of said organization.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.

Notary Seal

Mandy Minnick
(Signature of Notary)My Commission Expires: 8/25/20


SIGNATURE AUTHORIZATION

I authorize Kellogg & Sovereign® Consulting, LLC or its designated agents or employees ("KSLLC") to use the signature below as necessary to submit the E-Rate Forms 470, 471, 486, 500, 472 (BEAR form), sign E-Rate contracts, and sign other forms required by the Schools and Libraries Division of the USAC on behalf of our school or school district.

I understand that the only use of this signature will be for the above stated purposes.

This authorization shall remain in effect until KSLLC is notified of its cancellation in writing via certified mail.

Please sign in the MIDDLE of the space below:



Complete the following:

Tulsa Tech

Name of Applicant

PO Box 477200 Tulsa, OK 74147-7200

Mailing Address, City, State Zip

Jason Durham

Printed Name

Direcotr, Information Technology

Title

6/18/2018

Date